

## **REMARKS**

This Amendment is in response to the Examiner's Office Action mailed on September 20, 2004 and Applicants' telephone interview with Examiner Dr. Chih-Min Kam on October 19, 2004. Claims 2, 3, 5-12, 15, 29 and 31-43 are cancelled. Claims 1 and 19-23 are currently amended. Claims 1, 4, 13-14, 16-28, and 30 are now pending.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

### **I. Claim Objection**

The Examiner objected to claim 1 because the chemical name of "MS-27-275" was not provided. Applicants have amended claim 1 to reflect the chemical name of MS-27-275 – benzamide. *See* Jaboin, J., *Cancer Res.* (2002) Nov. 1; 62(21):6108-15 (Abstract), which is attached hereto as Exhibit A. In light of the above amendment, Applicants respectfully request that the Examiner withdraw the above objection.

### **II. Claim Rejection-35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 19-26 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner rejected claims 19 and 23 stating that the terms "the cyclic peptide" and "the butyrate," which appear in such claims lack antecedent basis. Applicants have amended both limitations to provide "the histone deacetylase inhibitor", which has antecedent basis in claim 1. In light of the above amendments, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. 112, second paragraph.

### **III. Claim Rejection-35 U.S.C. § 103**

The Examiner rejected claims 1, 4, 13, 14, 16, and 18 under 35 U.S.C. 103(a) as being unpatentable over Santini *et al.* in view of Cameron *et al.* The Examiner also rejected the above claims under 35 U.S.C. 103(a) as being unpatentable over Santini *et al.* in view of Zhu *et al.*

Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. 103(a), based on a Declaration under 37 C.F.R. § 1.131 by Shirley X. Chen, Ph.D., which is attached hereto as Exhibit B. According to Dr. Chen's declaration, the claimed invention was conceived prior to April 3, 2001, the publication date of Santini *et al.* Furthermore, Applicants acted diligently between April 3, 2001 and April 24, 2001, in filing the above referenced application. As such, Santini *et al.* cannot be used as a prior art reference, and the rejections under 35 U.S.C. 103(a) are deemed moot. In light of the above, Applicants respectfully request that the above rejection be withdrawn.


### **CONCLUSION**

Applicants believe that they are entitled to a letters patent and respectfully solicit the Examiner to expedite prosecution of this patent to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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